

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 5, 10-11, 13, 20-24, 36, 37, 54, and 55 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Baum (US 3710985).

Baum discloses a fluid delivery system comprising: a first reservoir in the form of a flat, coiled tube (spiral track 30) having a first volume; a second reservoir having a second volume and connected to said first reservoir; a pump device operatively connected to said first reservoir and said second reservoir; a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat through a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, and then from said first reservoir to said delivery device and from said delivery device to the atmosphere, and wherein said heating device and said pump device operate independently from each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10-11, 13, 20-24, 36, 37, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum (US 3710985) in view of Gasser (US 4067480).

Baum discloses a fluid delivery system comprising: a first reservoir in the form of a flat, coiled tube having a first volume; a second reservoir having a second volume and connected to said first reservoir; a pump device operatively connected to said first reservoir and said second reservoir; a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat through a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, and then from said first reservoir to said delivery device and from said delivery device to the atmosphere, and wherein said heating device and said pump device operate independently from each other. Baum does not explicitly teach a flat aluminum tube per se, rather a flat spiral passage/chamber. Gasser teaches the use of either a chamber or a spiral aluminum tube for transferring heat to the liquid. It would have been obvious to one having ordinary skill, common sense and routine creativity, to provide the flat tube in place of the spiral chamber since both are known to substitute each for the other.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thor S. Campbell whose telephone number is 571-272-4776. The examiner can normally be reached on Mon-Fri 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thor S. Campbell/
Primary Examiner, Art Unit 3742

TSC